

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 02-00060 WHA

Plaintiff,

v.

DAMIEN NINO,

Defendant.

**ORDER RE DEFENDANT'S EX  
PARTE REQUEST FOR ORDER  
THAT DEFENDANT BE  
INCARCERATED AT FCI  
DUBLIN PENDING DISPOSITION  
OF THE CASE**

Defendant requests to be transferred from Santa Rita Jail to FCI-Dublin. He says that he is Muslim and can only eat a diet approved by his religion. According to defendant, because the Santa Rita Jail does not offer a diet that meets his religious dietary standard, he should be transferred to FCI-Dublin, the only correctional facility that offers the federal "common fare diet," which meets the dietary standard prescribed for members of the Muslim faith. This order does not find that a transfer is necessary. Santa Rita Jail is ordered to provide defendant with the federal "common fare diet." Because this order should resolve defendant's ex parte request, the government and probation office are no longer required to respond.

**IT IS SO ORDERED.**

Dated: April 17, 2008.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE